

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1437 -- SERVICE CONTRACTING**WBR 1437****PART WBR 1437****SERVICE CONTRACTING****TABLE OF CONTENTS****SUBPART WBR 1437.1 -- SERVICE CONTRACTS****-- GENERAL**

WBR 1437.112	Government use of private sector temporaries.
WBR 1437.112-80	Reclamation procedures.

SUBPART WBR 1437.71 -- INFORMATION COLLECTION SERVICES

WBR 1437.7102	Policy and procedures.
---------------	------------------------

SUBPART WBR 1437.80 -- TRAINING SERVICES

WBR 1437.8000	Scope of subpart.
WBR 1437.8001	Authority.
WBR 1437.8002	Policy.
WBR 1437.8003	Procedures.

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1437 -- SERVICE CONTRACTING

WBR 1437.8001

PART WBR 1437

SERVICE CONTRACTING

SUBPART WBR 1437.1 -- SERVICE
CONTRACTS - GENERALWBR 1437.112 Government use of private sector
temporaries.

WBR 1437.112-80 Reclamation procedures.

(a) *Scope.* This section prescribes procedures to implement Office of Personnel Management (OPM) regulations at 5 CFR Part 300, Subpart E and FAR 37.112 which govern acquisition of private sector temporaries.

(b) *Conditions for use.* The CO may enter into a contract with a temporary help service firm when --

(1) The need does not involve excluded services under 5 CFR 300.502 or the circumstances prohibited by 5 CFR 300.503(c);

(2) One of the short-term situations under 5 CFR 300.503(a) exists;

(3) The need cannot be met with current employees or through the direct appointment of temporary employees within the time available, by the date, and for the duration of time the help is needed;

(4) Approval has been received for any work-day or contract duration time extensions requested in accordance with subparagraphs (c)(2) and (c)(3) below and such approval is placed in the contract file; and

(5) The determination required by WBR 1437.112-80(e) has been received from the servicing personnel office (SPO) and is placed in the contract file.

(c) *Contract requirements.* (1) The CO shall ensure that any contract for private sector temporaries complies with --

(i) The 120 work-day time limitation for an individual employee within a 24 month period (see 5 CFR 300.504(a));

(ii) The overall contract duration limitation of 120 work days (see 5 CFR 300.504(b));

(iii) The procurement requirements listed in 5 CFR 300.506; and

(iv) The requirements of FAR Subpart 22.10.

(2) The 120 work-day restriction in subparagraph (c)(1)(ii) above may be extended for an additional 120 work-days (up to a maximum of 240 work-days in a 24 month period) in any situation when the CO determines that using services of the same individual for the same situation will prevent significant delay.

(d) *Employee orientation.* (1) *Government employees.* The CO, or designee, shall ensure that the supervisory responsibilities in 5 CFR 300.501(a) are carried out by the temporary help service contractor.

(2) *Contractor employees.* The CO shall ensure all requirements under the contract are given by means of technical, task-related instructions to private sector temporaries including orientation, assignment of tasks, and review of work products to assure proper completion of tasks performed.

(e) *Determination.* (1) Prior to issuing a solicitation or request for quotations for the use of private sector temporaries, the CO shall obtain a written determination from the SPO that these services--

(i) will not be in lieu of the regular recruitment and hiring procedures under the civil service laws for permanent appointment in the competitive civil service;

(ii) will not displace a Federal employee;

(iii) will not circumvent controls on employment levels; and

(iv) are not in lieu of appointing a surplus or displaced Federal employee.

(2) For indefinite quantity contracts or blanket purchase agreements, the CO shall obtain from the SPO a written verification that the conditions in the determination made under subparagraph (e)(1) above still exist prior to the issuance of any order.

SUBPART WBR 1437.71 -- INFORMATION
COLLECTION SERVICES

WBR 1437.7102 Policy and procedures.

Clearances for proposed contracts which require or may require collection of information as described in DIAR 1437.7101 shall be submitted through the Reclamation Information Collection Clearance Officer, D-7900.

SUBPART WBR 1437.80 -- TRAINING
SERVICES

WBR 1437.8000 Scope of subpart.

This subpart prescribes policies and procedures for obtaining training services and training materials through the use of (a) Standard Form (SF) 182, Request, Authorization, Agreement, and Certification of Training and (b) acquisition procedures.

WBR 1437.8001 Authority.

(a) 5 U.S.C. 4103 gives agency heads the authority to provide employee training.

(b) 5 U.S.C. 4105 authorizes agency heads to make agreements or other arrangements for the training of agency employees by, in, or through non-Government

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1437 -- SERVICE CONTRACTING

WBR 1437.8002

facilities.

Human Resources Group, D-4100.

(c) General Accounting Office (GAO) Decision No. B-201608, dated December 30, 1980, permits use of the SF-182 for acquiring training from a non-Government source without involvement of the acquisition office in the approval or payment process except when special arrangements are necessary, or group discounts can be negotiated.

WBR 1437.8002 Policy.

(a) *Acquiring training through personnel procedures.* Use of the SF-182, in lieu of acquisition procedures, is authorized for acquisition of training services for Government and non-Government services (including associated non-tuition costs necessary to provide instructional materials incidental to the training) when --

(1) The training involves an established course (i.e., an existing instructional program with stated subjects, an established outline, and instructional material);

(2) The training course is available on the open market; and

(3) The training course is offered at established rates (i.e., rates published in brochures, catalogs or advertised/offered on a commercial basis to the public).

(b) *Acquiring training through acquisition procedures.* Federal acquisition procedures shall be utilized for acquiring training services when --

(1) The training services involve the design and development of a new, non-established course in order to meet unique and special needs of a Reclamation office;

(2) The training course is not based on the use of an existing, established course available on the open market and the SPO designated training approval officer has determined that any established course would require significant revision in order to meet Reclamation needs; and

(3) The training course has not previously been offered at established rates.

WBR 1437.8003 Procedures.

For training services involving the conditions in WBR 1437.8002(a) --

(a) The servicing personnel office (SPO) shall designate employees who are authorized to obtain these services using the SF-182.

(b) Use of the SF-182 shall not be considered an acquisition for purposes of meeting any requirements of the FAR, DIAR, or RAR other than those stated in this subpart.

(c) Payment may be made using the government-wide purchase card by employees designated by the Manager,